

# PLANNING COMMISSION MINUTES

January 22, 2003

## CALL TO ORDER:

Chairman Bob Barnard called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

## ROLL CALL:

Present were Chairman Bob Barnard, Planning Commissioners Gary Bliss, Eric Johansen, Dan Maks, Shannon Pogue, Vlad Voytilla and Scott Winter.

Associate Planner Liz Shotwell, Assistant, Senior Planner John Osterberg, Assistant City Attorney Ted Naemura, and Recording Secretary Bonnie Webb represented staff.

The meeting was called to order by Chairman Barnard, who presented the format for the meeting.

## VISITORS:

Chairman Barnard asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

## STAFF COMMUNICATION:

Staff indicated that there were no communications at this time.

## NEW BUSINESS:

Chairman Barnard opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

1           **PUBLIC HEARINGS:**

2  
3           **A. VAR 2002-0012 – SW DALY LAND PARTITION FRONT**  
4           **SETBACK VARIANCE**

5           The applicant requests Variance approval from Planning Commission  
6           for a reduction to the required side yard setback for the existing  
7           dwelling. This request is the result of a right-of-way dedication  
8           required by the City of Beaverton that will reduce the side yard  
9           setback of the existing dwelling below the required 10-foot side yard  
10          setback as well as below the reduced setback standards of Chapter 20  
11          of the Development Code.

12  
13          Commissioners Maks, Pogue, Bliss, Johansen, Winter, and Voytilla all  
14          indicated that they had visited the site and had no contact with any  
15          individual(s) with regard to this application.

16  
17          Observing that he had not visited the site specifically in connection  
18          with this application, Chairman Barnard pointed out that he is  
19          familiar with the area.

20  
21          Associate Planner Liz Shotwell presented the Staff Report and briefly  
22          described the application for approval of a variance for a reduction to  
23          minimum side yard setback requirements identified in Chapter 20 of  
24          Development Code from ten-feet to three-feet for the existing dwelling  
25          only. She explained that this variance request anticipates a future SW  
26          Daly Lane right-of-way dedication that will be required by the City in  
27          association with a fee-ownership land division that is being reviewed  
28          under a separate application. The separate land division application is  
29          being reviewed administratively and will be subject to approval upon  
30          this variance application and based upon the findings in the Staff  
31          Report dated January 15, 2003. Concluding, she recommended  
32          approval of the application, subject to certain Conditions of Approval,  
33          and offered to respond to questions.

34  
35          Commissioner Voytilla expressed concern with allowing such a narrow  
36          setback over time, and questioned whether staff believes potentially  
37          that a fifth Condition of Approval could be imposed to provide that no  
38          modifications of the existing structure can occur, adding that this  
39          would essentially remain in its current condition until it is replaced.

40  
41          Expressing her opinion that this would be appropriate, Ms. Shotwell  
42          clarified that this proposed Condition of Approval would not allow for  
43          any further encroachment towards the right-of-way or any  
44          modification to that portion of the structure.

1  
2 Chairman Barnard referred to the parking strip, specifically whether  
3 this parking strip is necessary or the setback for a future widening of  
4 the road.

5  
6 Ms. Shotwell advised Chairman Barnard that the parking strip is  
7 actually necessary and also provides a setback for a future widening of  
8 the road. She explained that the applicant has provided the 7.5-feet of  
9 dedication for a parking strip as well as to accommodate necessary  
10 street improvements, adding that the land partition request reflects  
11 this that improvement.

12  
13 **APPLICANT:**

14  
15 **WILLIAM HOFFSTETTER**, the applicant, expressed his  
16 appreciation to staff for their assistance. Observing that SW Daly  
17 Lane was originally platted in 1946 as a 12-foot wide alley in 1946,  
18 adding that the adjacent lots are narrow with residences constructed  
19 with small setbacks. He discussed the rationale for widening SW Daly  
20 Lane to provide for emergency vehicle access, parking, and a sidewalk,  
21 adding that this requires a dedication to the City that will create a less  
22 than standard setback, requesting that this setback variance be  
23 approved.

24  
25 Commissioner Winter observed that Mr. Hoffstetter owns two parcels  
26 along SW Daly Lane, one with a pre-existing duplex and one that is  
27 proposed for development.

28  
29 Mr. Hoffstetter clarified that the existing parcel that includes the  
30 duplex is approximately 10,000 square feet in size, adding that this  
31 parcel would be divided into two halves of approximately 5,000 square  
32 feet each, and pointed out that the variance request involves this  
33 parcel with the duplex.

34  
35 Commissioner Winter questioned why the development of the first plot  
36 that is undeveloped now requires the 7.5-foot dedication necessitates  
37 the dedication of this portion for the second plot with the duplex on it.

38  
39 Mr. Hoffstetter advised Commissioner Winter that this involves a  
40 street design that had been created with the assistance of the City  
41 transportation staff. He explained that by increasing the current 12-  
42 foot wide easement of SW Daly Lane to a 42-foot wide easement  
43 provides the necessary width required by existing fire codes as well as  
44 for underground utilities.

1  
2 Commissioner Winter questioned whether the variance request  
3 involves the duplex.  
4

5 Mr. Hoffstader informed Commissioner Winter that the variance  
6 request is for the duplex.  
7

8 Commissioner Winter suggested the possibility of developing the lot  
9 that is undeveloped without the variance, assuming that the applicant  
10 intends to keep the duplex there for a while, adding that the front half  
11 could be addressed without the variance prior to redeveloping the  
12 duplex, at which point it would possible to fit what land is available at  
13 that time.  
14

15 Mr. Hofstetter advised Commissioner Winter that this had been  
16 discussed this with transportation staff, specifically a straight line  
17 easement across the property, adding that staff had expressed a  
18 preference for a straight easement. He pointed out that one of the  
19 issues had involved setback requirements for the underground  
20 utilities, water and sewer lines, electrical, and storm drain.  
21

22 Commissioner Winter questioned whether the applicant is coming in  
23 with utilities from SW Allen Boulevard or SW Main Street.  
24

25 Mr. Hoffstader informed Commissioner Winter that the utilities  
26 would come in from SW Main Street.  
27

28 Commissioner Winter requested clarification of if the front half can be  
29 developed without the variance, with the 7.5-foot variance, while the  
30 back lot is already developed, why it would not be possible to just put  
31 the 7.5 foot strip at that location.  
32

33 Mr. Hoffstader expressed his opinion that this is an option that  
34 transportation staff did not prefer, reiterating that they had assisted  
35 with the proposed design.  
36

37 Commissioner Voytilla questioned whether the applicant has an issue  
38 imposing a fifth Condition of Approval to provide that no modifications  
39 of the existing structure would be allowed to extend into any required  
40 yard setback.  
41

42 Mr. Hoffstader indicated that he would not have a problem with the  
43 additional Condition of Approval suggested by Commissioner Voytilla.  
44

1           **PUBLIC TESTIMONY:**

2  
3           No member of the public testified with regard to this application.

4  
5           Assistant City Attorney Ted Naemura indicated that he had no  
6           questions with regard to this application.

7  
8           Staff had no further comments with regard to this proposal.

9  
10          The public portion of the Public Hearing was closed.

11  
12          Observing that a variance is basically a rare request, Commissioner  
13          Voytilla pointed out that because they do not necessarily run with the  
14          land, his concern with regard to future development has been resolved.  
15          He mentioned that if this building should need to be replaced or  
16          modified at some future point, there is no need to carry on this  
17          variance and impact the neighborhood, adding that he supports the  
18          additional Condition of Approval, as proposed.

19  
20          Commissioner Winter expressed his approval of additional Condition of  
21          Approval.

22  
23          Commissioner Johansen indicated that he supports the additional  
24          Condition of Approval.

25  
26          Commissioner Maks expressed his opinion that Commissioner  
27          Voytilla's recommendation provides a superb addition to the existing  
28          Conditions of Approval.

29  
30          Commissioner Pogue stated that he is in support of the additional  
31          Condition of Approval.

32  
33          Commissioner Bliss expressed his support of the additional Condition  
34          of Approval.

35  
36          Chairman Barnard noted that he also supports the additional  
37          Condition of Approval.

38  
39          Commissioner Maks briefly discussed potential future development,  
40          adding that the proposal meets all applicable approval criteria and  
41          that he would support a motion for approval.

42  
43          Agreeing with Commissioner Maks' comment that the Planning  
44          Commission would be reviewing a greater number of applications for

1 infills in the future, Commissioner Voytilla stated that he would  
2 support a motion for approval, based upon the additional Condition of  
3 Approval, as proposed.

4  
5 Observing that he has driven by the development site on a regular  
6 basis for 30 years, Commissioner Johansen expressed his opinion that  
7 the application meets applicable criteria for approval, adding that he  
8 would support a motion for approval.

9  
10 Commissioner Pogue noted that the application meets applicable  
11 approval criteria, adding that he would support a motion for approval.

12  
13 Observing that the application meets applicable criteria,  
14 Commissioner Bliss expressed his support, including the additional  
15 Condition of Approval proposed by Commissioner Maks.

16  
17 Commissioner Winter pointed out that the application meets  
18 applicable criteria, adding that he would support a motion for  
19 approval, including the additional Condition of Approval, as proposed  
20 by Commissioner Maks.

21  
22 Chairman Barnard indicated that he is also in support of the  
23 application, as amended to include the additional Condition of  
24 Approval.

25  
26 Commissioner Voytilla **MOVED** and Commissioner Maks  
27 **SECONDED** a motion to **APPROVE** VAR 2002-0012 – Daly Lane  
28 Partition Side Setback Variance, based upon the testimony, reports  
29 and exhibits, and new evidence presented during the Public Hearing  
30 on the matter, and upon the background facts, findings and  
31 conclusions found in the Staff Report dated January 15, 2003,  
32 including Conditions of Approval Nos. 1 through 4, and additional  
33 Condition of Approval No. 5, as follows:

- 34  
35 5. No future addition, modification, or renovation of the existing  
36 structure will be allowed to extend into any required yard setback.

37  
38 Motion **CARRIED**, by the following vote:

39  
40 **AYES:** Bernard, Bliss, Johansen, Maks, Pogue, Voytilla, and  
41 Winter.  
42 **NAYS:** None  
43 **ABSTAIN:** None.  
44 **ABSENT:** None.  
45

1 **APPROVAL OF MINUTES:**

2  
3 Minutes of the meeting of December 11, 2002, submitted.  
4 Commissioner Voytilla requested that line 10 of page 12 be amended,  
5 as follows: "...their ~~swale~~ **soil** from their excavation..." Commissioner  
6 Maks requested that line 2 of page 9 be amended, as follows: "...these  
7 restrictions are **only** enforceable..." Commissioner Maks **MOVED** and  
8 Commissioner Winter **SECONDED** a motion that the minutes be  
9 approved, as amended.

10  
11 Motion **CARRIED**, unanimously.

12  
13 Minutes of the meeting of December 18, 2002, submitted.  
14 Commissioner Voytilla requested that line 21 of page 19 be amended,  
15 as follows: "~~Commissioner~~ **Mr.** Sparks expressed appreciation..."  
16 Commissioner Maks requested that line 9 of page 3 be amended, as  
17 follows: "...the intent of the ~~entire~~ **majority of the** Planning  
18 Commission." Commissioner Maks requested that line 6 of page 13 be  
19 amended, as follows: "...emphasized that he is **not** in support of..."  
20 Chairman Barnard requested that line 33 of page 18 be amended, as  
21 follows: "...mentioned that ~~The Bill~~ the bill is now due."  
22 Commissioner Maks **MOVED** and Commissioner Voytilla  
23 **SECONDED** a motion that the minutes be approved, as amended.

24  
25 Motion **CARRIED**, unanimously, with the exception of Commissioner  
26 Pogue, who abstained from voting on this issue.

27  
28 **MISCELLANEOUS BUSINESS:**

29  
30 Referring to the Code Review Advisory Committee (CRAC) on which he  
31 serves, Commissioner Maks noted that it had been determined that  
32 design standards would be addressed slightly differently. He  
33 explained that certain issues, such as building orientation, traffic flow,  
34 and pedestrian flow, would always apply to design, and questioned  
35 whether natural resources should be included in design criteria.

36  
37 Commissioner Voytilla questioned whether Commissioner Maks'  
38 interpretation would include a feature that enhances the use of a  
39 specific resource or that compliments this resource in some manner.

40  
41 Commissioner Maks reiterated that he would like clarification whether  
42 natural resources should be included in the design criteria.  
43

1 Commissioner Voytilla expressed his opinion that this proposal is kind  
2 of what he referred to as a stretch, without providing some specific  
3 guidelines of what should be accomplished.

4  
5 Commissioner Maks pointed out that adequate land and open space  
6 would still have to be available.

7  
8 Commissioner Voytilla noted that the building's orientation or position  
9 on the land could minimize the potential for the resource to deteriorate  
10 over a period of time.

11  
12 Commissioner Winter questioned whether this is applied with all of  
13 the other standards and increases the liability as applicable criteria.

14  
15 Commissioner Maks explained that the committee had created a  
16 standard providing that it would accomplish certain goals, including  
17 the enhancement of wildlife habitat, adding that he is not certain how  
18 it would fit the design.

19  
20 Commissioner Voytilla referred to a prior application involving the  
21 expansion of a church, adding that the proposed design necessitated  
22 the removal of a Significant Tree, and questioned whether a design is  
23 good when the result is the loss of a resource.

24  
25 Commissioner Maks noted that this issue had not involved a  
26 designated tree, adding that this might occur more often as more trees  
27 are designated.

28  
29 Commissioner Voytilla stated that he would like to provide some  
30 additional consideration or benefits to applicants who are attempting  
31 to preserve natural resources.

32  
33 Commissioner Johansen questioned whether this issue should be  
34 initiated and included within Design Review as opposed to elsewhere.

35  
36 Chairman Barnard:questioned whether property by nature has a  
37 tendency to develop into ways that best utilize a particular resource.

38  
39 Commissioner Maks:advised Chairman Barnard that this is absolutely  
40 not true.

41  
42 Chairman Barnard noted that a ravine would not be filled for the  
43 construction of a parking lot.

44

1 Observing that this is a different issue, Commissioner Maks explained  
2 that any ravine identified as a wetland would have to follow a certain  
3 procedure for wetlands. He reiterated that it has not been determined  
4 whether this should be included within the design criteria.  
5

6 Commissioner Johansen emphasized that there is some merit in the  
7 consideration of the preservation of those trees that are not protected.  
8

9 Commissioner Maks advised Commissioner Johansen that this is  
10 addressed through building orientation.  
11

12 Commissioner Voytilla: noted that the greatest impact involves the  
13 grading of a site.  
14

15 Commissioner Maks explained that it is sometimes necessary to  
16 minimize grading, adding that it affects wildlife habitat.  
17

18 Commissioner Voytilla: requested that Commissioner Maks furnish  
19 him with information with regard to the dates he would not be  
20 available to attend the CRAC Meetings, adding that he would attend  
21 on his behalf.  
22

23 The meeting adjourned at 7:30 pm